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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**ORACLE'S MOTION TO SEAL
PORTIONS OF ORACLE'S
OPPOSITION TO DEFENDANTS'
MOTION TO ADMIT EXHIBITS
WITHOUT REDACTIONS AND
SUPPORTING EXHIBITS A-F**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), Local Rules 10-5(b) and 16.1-4, and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court grant leave to file under seal certain portions of Oracle’s Opposition to Defendants’ Motion to Admit Exhibits Without Redactions (“Opposition”) and Exhibits A-F of the Declaration of Thomas Hixson in support of the same (the “Hixson Declaration”). These portions of Oracle’s motion and supporting documents reflect information that Oracle has designated “Confidential” or “Highly Confidential - Attorneys’ Eyes Only” under the Protective Order. Public, redacted versions of Oracle’s Opposition and Exhibits to the Hixson Declaration were filed on September 24, 2015, *see* Dkt. 811, and an unredacted version of each was subsequently filed under seal with the Court, *see* Dkt. 812.

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

Oracle has designated Exhibits A-F as Confidential or Highly Confidential - Attorneys’ Eyes Only. Oracle requests that the Court order the Clerk of the Court to file Exhibits A-F under seal, as well as the related portions of Oracle’s Opposition that reflect information contained in Exhibits A-F. Documents may be sealed for “good cause.” *Selling Source, LLC v. Red River Ventures, LLC*, 2:09-CV-01491-JCM, 2011 WL 1630338, at *1 (D. Nev. Apr. 29, 2011) (citing *Phillips v. General Motors*, 307 F.3d 1206, 1210, 1213 (9th Cir. 2002)). “For good cause to exist, the party seeking protection bears the burden of showing that specific prejudice or harm

1 will result if the materials are not filed under seal.” *Id.*

2 Exhibits A-F are Oracle’s “at risk” reports and documents that excerpt portions of those
 3 reports. These reports contain highly sensitive non-public internal Oracle pricing and customer
 4 information, and Oracle’s negotiation history and strategy with respect hundreds of its
 5 customers. The public disclosure of this information would grant Oracle’s actual and potential
 6 competitors and customers access to non-public and commercially sensitive information about
 7 Oracle’s support pricing, business vulnerabilities, and practices. Such information could unfairly
 8 be used to compete with Oracle or to extract unfair leverage in licensing and support
 9 negotiations. Thus, there is good cause to seal this information because disclosure would create
 10 a risk of significant competitive injury and particularized harm and prejudice to Oracle. *Selling*
 11 *Source, LLC* 2011 WL 1630338, at *1 (finding good cause to seal information about party’s
 12 “business operations, customer agreements . . . details of [] customer base . . . how the company
 13 works with and licenses products to its customers and measures it takes to protect its intellectual
 14 property”). Indeed, there is a compelling interest in having them sealed. *Id.* at *6 (“Where the
 15 material includes information about proprietary business operations, a company’s business
 16 model or agreements with clients, there are compelling reasons to seal the material because
 17 possible infringement of trade secrets outweighs the general public interest in understanding the
 18 judicial process.”)

19 Oracle has submitted all other portions of Oracle’s Opposition and supporting papers to
 20 the Court’s public files, which allow public access to all materials except for the items discussed
 21 above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle
 22 respectfully requests that the Court grant leave to file the documents discussed above under seal.

23 DATED: September 24, 2015

MORGAN, LEWIS & BOCKIUS LLP

24 By: /s/ Thomas S. Hixson
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 27 Oracle USA, Inc.,
 28 Oracle America, Inc.,
 and Oracle International Corp.